IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CP/225/2003

Shri Prabhakar Dattatraya Patil .. Petitioner
V/S
Deputy Engineer,
Minor Irrigation (Local centre) ... Respondents

Mr. G. S. Godbole for petitioner
Mr. Nitin Jamdar for respondents

CORAM: D. G. KARNIK **J.**

DATE: December 12, 2006

P.C.:

1. Heard counsel for the parties. This Petitioner does not wish to prosecute the petition . Contempt petition has been filed alleging that the respondents have committed breach of the order dated 23rd April 2002 directing the reinstatement of the petitioner. According to the petitioner he was not reinstated and no regular salary is being paid to him and therefore the respondents have committed contempt of the court.

2. In my view the petitioner has an adequate and efficacious remedy available to him under section 33 (C)(2) of the Industrial Disputes Act. Learned counsel for the petitioner submits that in addition to the remedy under section 33(C)

(2) of the Industrial Disputes Act the petitioner has also a remedy under section 29 of the Industrial Disputes Act. Since the petitioner concedes that he has an alternate remedy for executing the order passed by the Labour Court , it would not be appropriate to exercise the contempt jurisdiction. Contempt action is ordinarily taken to maintain the majesty of the court of law and not for the purpose of execution of the orders of the subordinate courts. In the present case no attempt is even made for execution of the orders through ordinary machinery provided by law. In the circumstances I decline to exercise the contempt jurisdiction.

3. Contempt petition is accordingly dismissed. Needless to say that this dismissal does not prevent the petitioner for executing the order in the ordinary course. All contentions of the parties are kept open.

(D.G. KARNIK J.)